

FILED

2008 FEB 28 PM 12:55

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY VNLK DEPUTY

1 Chad McKinney
2 Pro Se
3 6266 Madeline St Apt #61
4 San Diego, CA 92115
5 619-634-3566

THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

6 CHAD MCKINNEY, an individual,

10 Plaintiff,

14 v.

15 APOLLO GROUP INC., UNIVERSITY OF
16 PHOENIX, a Corporation, MECHELLE
17 BONILLA, an Enrollment Manager at
18 UNIVERSITY OF PHOENIX, KYAN
19 FLYNN, Director of Enrollment at
20 UNIVERSITY OF PHOENIX, APRIL
21 ALCORN, an Employee Relations
22 Consultant at UNIVERSITY OF PHOENIX
23 CARLYN LINDSTEN, Associate Director of
24 Enrollment at UNIVERSITY OF PHOENIX

Defendants

) CIV. Case No.07-cv-2373

)
) FOR VIOLATION OF FEDERAL
) FALSE CLAIMS ACT AND FOR
) VIOLATION OF THE
) THE CIVIL RIGHTS ACT 1964 AND
) THE AMENDMENTS TO TITLE
) VII OF THE CIVIL RIGHTS ACT OF
) 1991

)
) RETALIATION- WRONGFUL
) TERMINATION &
) EMPLOYMENT DISCRIMINATION
) CIVIL ACTION

) Plaintiff's Motion for Clerk's
) Entry of Default

) Demand for Trial By Jury Pursuant
) to U.S. Constitution, 7th Amendment

) February 28, 2008

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

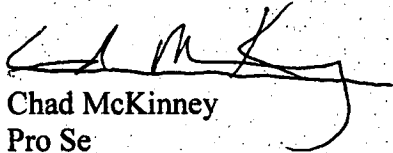
Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and any other relevant Federal Rule of Civil Procedure pertaining to this case, plaintiff Chad McKinney, Pro Se, respectfully moves the Court to enter a default against the defendant Apollo Group Inc, a.k.a. the University of Phoenix, in the amount of \$250,000 since the Defendant has failed to plead or otherwise defend themselves against the plaintiff's original complaint within the timeframe required by the Federal Rules of Civil procedure. The Complaint was originally filed with the Court on December 19th 2007 and entered December 20th. The defendant was served on January 31st, 2008. (Please see copy of Return of Service).

In support of this motion, the Plaintiff states with supporting evidence:

1. This complaint was filed on December 19, 2007
2. This complaint was served on January 31, 2008
3. As of the 28st of February 2008, the Defendant is late 8 days.
4. The plaintiff's complaint requests punitive damages of \$250,000, so a default judgment in this amount should be deemed reasonable.
5. Said defendant is not an infant or incompetent, but a large corporation who was given ample time to respond within the timeframe required by the Federal Rules of Civil Procedure. No extra time was requested by the defendant nor granted by the Court.

1 WHEREFORE, the Plaintiff respectfully request that this Court issue and Order a Default
2 against the Defendant in the amount of \$250,000 to reasonably cover the damages
3 incurred by the plaintiff.
4

5 Respectfully submitted,

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7 Chad McKinney
8 Pro Se
6266 Madeline St Apt #61
San Diego, CA 92115
619-634-3566
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**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07-cv-02373-WQH-CAB**

McKinney v. Apollo Group Inc. et al
Assigned to: Judge William Q. Hayes
Referred to: Magistrate Judge Cathy Ann Bencivengo
Demand: \$250,000
Cause: 31:3729 False Claims Act

Date Filed: 12/19/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Chad McKinney
an individual

represented by **Chad McKinney**
6266 Madeline Street
Apt #61
San Diego, CA 92115
(619)634-3566
PRO SE

V.

Defendant

Apollo Group Inc.

Defendant

University of Phoenix
a Corporation

Defendant

Mechelle Bonilla
*an Enrollment Manager at University of
Phoenix*

Defendant

Kyan Flynn
*Director of Enrollment at University of
Phoenix*

Defendant

April Alcorn
*an Employee Relations Consultant at
University of Phoenix*

Defendant

Carlyn Lindsten
*Associate Director of Enrollment at
University of Phoenix*

Date Filed	#	Docket Text
12/19/2007	1	COMPLAINT t/w Jury Demand, against Apollo Group Inc., University of Phoenix, Mechelle Bonilla, Kyan Flynn, April Alcorn, Carlyn Lindsten (Filing fee \$ 350, receipt number 145709), filed by Chad McKinney.(jcj) (Entered: 12/20/2007)
01/15/2008	2	Summons Issued for Complaint (1). (mdc) Modified on 1/17/08 to correct file date. (mdc) (Entered: 01/17/2008)

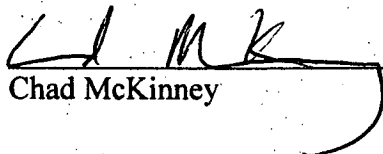
CERTIFICATE OF SERVICE

I, Chad McKinney, hereby certify that on, February 28, 2008, I served copies of
the motion for clerk's entry of default on the following parties by way of

United States Postal Service Express Mail:

Apollo Group, Inc
University of Phoenix
3890 Murphy Canyon Road
San Diego, CA 92123c

02/28/2008
Date


Chad McKinney

The United States District Court Southern District of California

1 Chad McKinney
2 Pro Se
3 6266 Madeline St Apt #61
4 San Diego, CA 92115
5 619-634-3566

6 **THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA**

7 **February 28, 2008**

8 **BY HAND DELIVERY**

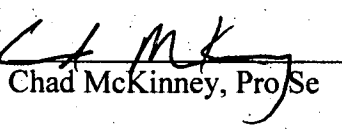
9 The Honorable Judge William Q. Hayes
10 Referred to: Magistrate Judge Cathy Ann Bencivengo
11 330 West Broadway, San Diego
12 CA 92101-3827

13 Re: McKinney v. Apollo Group Inc., *et al*
14 Civil Action 07-cv-2373

15 Dear Judge Hayes,

16 Enclosed is a courtesy copy of the Plaintiff's Motion for Clerk's Entry of Default and
17 appendices that was hand delivered with the Clerk today.

18 Respectfully,

19 
20 Chad McKinney, Pro Se

21 Cc: Apollo Group, Inc.
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23
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